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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,114	11/13/2001	Tomoaki Nagano	B-4384 619300-5	3430
36716	7590	07/24/2007		
LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679			EXAMINER POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	
			MAIL DATE	DELIVERY MODE
			07/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/991,114

Applicant(s)

NAGANO ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAIL ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 07 May 2007 has been entered.

### ***Response to Amendment***

The Applicant amended claims 1-5 and 8-15, and canceled claims 6 and 7. All pending claims 1-5 and 8-15 were examined in this non-final office action. The Examiner is suggesting the Applicant consider a telephone interview for further discussion.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5 and 8-15 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**1. Claims 1-5 and 8-15 are rejected under 35 USC 103(a) as being unpatentable over Bickmore (US 6,466,213).**

Bickmore teaches a system and method of creating animated avatars to be incorporated into electronic documents to provide the reader of the electronic document a means to interact with the document. An avatar creator creates an avatar and uses the avatar to annotate the document. A document reader reads the document and interacts with the avatar to gain additional information concerning the document such as the opinion of the avatar creator regarding the merits of the document (see at least abstract; col. 1, line 5-col. 4, line 33).

Bickmore further teaches:

- receiving at least one image from at least one creator terminal via a network; avatar creator terminal sends avatar across network to document author (see at least Fig. 1 (120, 130, 133); Fig. 3; col. 5, lines 34-49).
- dividing the image into a plurality of components; avatar is constructed using Avatar Studio; image is divided into a plurality of components (see at least Fig. 4; col. 5, lines 10-23); In step S500, the avatar creator 130 traces the outline of the GIF file to create the avatar 132. Then in step S600, the avatar 132 is saved to permanent memory in an avatar file.

Next, in step S700, the control routine terminates the avatar construction process, and continues to step S800, where the control routine ends. The avatar file created during the avatar construction outlined above will thus contain the default characteristics of the polygons, control points and behavior. However, the avatar 132 can be further modified by specifying polygons, change control points and moving control points to provide the animation and specific behaviors outlined above with respect to FIGS. 5-11 and 13. See col. 11, lines 35-46).

- associating motion data representing at least one motion with at least one component of the image to impart motion to that component independent of all other components; motion is imparted components of the avatar (see at least col. 5, lines 24-34).
- combining all components and all respective associated motion data to thereby impart motion to the image; components are combined with respect to motion data to created avatar motion (see at least col. 5, lines 24-34).

Bickmore teaches all the above as noted under the 103(a) rejection and teaches an i) avatar creator and avatar user (i.e. document author), ii) collaborative work using avatars, iii) the avatar creator and author as different individuals or the same person, and further teaches creating default characteristics and further modifying the control points to add animation and motion. Although Bickmore does not disclose presenting the motion-enabled

image via the network to a client terminal for selection of one or more of the associated motion data to thereby display the image exhibiting the selected motion, it would have been obvious to one of ordinary skill in the art at time the invention was made to ascertain a collaborative work to split the task of creating an avatar based on a received image from a user collaborator into default characteristics and animation and motion selection.

*Pertaining to system claims 1-5, 8, and 9*

Rejection of claims 1-5, 8, and 9 is based on the same rationale as noted above. Bickmore teaches computer apparatus, networks (ie. Internet), creation tools, editing tools for avatars or synthetic creatures to be incorporated into electronic documents.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

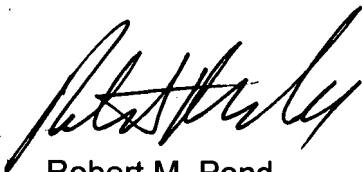
- US 5,880,731 (Liles et al.) 09 March 1999; teaches use of avatars with automatic gesturing and bounded interactions in on-line chat session.
- US 6,954,728 (Kusumoto et al.) 11 October 2005; teaches avatars used in consumer selected advertising and branding.
- US 6,738,065 (Even-Zohar) 18 May 2004; teaches a customizable animation system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond  
Primary Examiner  
July 22, 2007